

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	{	CHAPTER 13
	{	
Bruce Alexander Smith,	{	CASE NO. 12-56368-PWB
	{	
DEBTOR	{	

**NOTICE OF FILING OF MODIFICATION OF CONFIRMED PLAN,
DEADLINE FOR FILING WRITTEN OBJECTIONS,
AND HEARING DATE AND TIME IF OBJECTION IS TIMELY FILED**

TO: Creditors and Other Parties in Interest

PLEASE TAKE NOTICE that Bruce Alexander Smith, the Debtor, has filed a proposed modification to the confirmed plan in this case, a copy of which modification you are receiving with this Notice or have received by mail. Pursuant to Rule 3015(g) of the Federal Rules of Bankruptcy Procedure, any creditor or other party in interest opposing this proposed Modification must file that objection in writing with the Court before the following deadline.

DEADLINE FOR FILING OBJECTION: Twenty-four (24) days after the date on which this proposed Modification was filed. The proposed modification was filed on July 13, 2010. If the twenty-fourth day after the filing falls on a week-end or holiday, the deadline is extended to the next business day.

PLACE OF FILING: Clerk, United States Bankruptcy Court
Room 1340, United States Courthouse
Richard B. Russell Building
75 Spring Street, SW
Atlanta, GA 30303-3367

If you mail an objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also serve a copy on the undersigned at the address stated below and on the Debtor at:

Robert J. Semrad & Associates, L.L.C.
101 Marietta Street
36th Floor
Atlanta, GA 30303

Bruce Alexander Smith
4065 Burns Road
Lilburn, GA 30047

PLEASE TAKE FURTHER NOTICE that if an objection to the proposed Modification is timely filed, the Court will hold a hearing on the modification on **January 28, 2015 at 9:50 A.M. in Courtroom 1401**, U.S. Courthouse, 75 Spring Street, Atlanta, Georgia. **If no objection is timely filed, the Court may approve the proposed modification without further notice or hearing.**

Dated: December 9, 2014

Respectfully submitted,

Radoslav Bachev /S
Radoslav Bachev
Attorney for Debtor
GA Bar No. 857413
101 Marietta Street, NW
Suite 3600
Atlanta, GA 30303
(678) 668-7160

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	{	CHAPTER 13
	{	
Bruce Alexander Smith,	{	CASE NO. 12-56368-PWB
	{	
DEBTOR	{	

**POST-CONFIRMATION MODIFICATION OF PLAN AND
REQUEST FOR ITS APPROVAL**

COMES NOW Debtor, Bruce Alexander Smith, by and through undersigned counsel, and moves this Honorable Court for the entry of an order modifying the Chapter 13 Plan post-confirmation. In support thereof the Debtor states as follows:

1.

Debtor filed a Voluntary Petition for Bankruptcy relief under Title 11, Chapter 13 of the United States Code on March 7, 2012. The Plan was confirmed on November 2, 2012 and established monthly trustee payments in the amount of \$1,300.00 along with a step increase scheduled for February 2014 in the amount of \$423.00.

2.

After confirmation of the Plan, Debtor's income has decreased and his reasonable and necessary household expenses have increased to an extent that Debtor is financially incapable of maintaining a plan payment which would include the scheduled step increase.

3.

Debtor hereby modifies paragraph 2 of the Chapter 13 Plan, as follows:

2. Plan Payments and Length of Plan. Debtor will pay the sum of **\$1300.00 Monthly (retroactive to February 2014)** to Trustee by ☒ Payroll Deduction(s) or by ☐ Direct Payment(s) for the applicable commitment period of **60** months, unless all allowed claims in every class, other than long-term claims, are paid in full in a shorter period of time. The term of this Plan shall not exceed sixty (60) months. *See* 11 U.S.C. §§ 1325(b)(1)(B) and 1325(b)(4). Each pre-confirmation plan payment shall be reduced by any pre-confirmation adequate protection payment(s) made pursuant to Plan paragraph 6(A)(i) and § 1326(a)(1)(C).

The following alternative provision will apply if selected:

☒ IF CHECKED, Plan payments will increase by \$423.00 in month February 2014 upon completion or termination of debtor's 401K Loan.

4.

Debtor hereby modifies paragraph 10(E) of the Chapter 13 Plan, as follows:

(E). Other provisions.

~~Any federal tax refunds the debtor is entitled to received for the calendar years 2011, 2012, 2013, 2014, and 2015 shall be paid into the Debtor's chapter 13 case. Further, the debtor authorizes and instructs the Internal Revenue Service to send any refund for said years to the Debtor's Chapter 13 Trustee. Upon written request to the Chapter 13 Trustee, the Debtor may retain up to \$1,500.00 of a tax refund without a motion being filed.~~

5.

Debtor requests that the Plan base shall be reduced accordingly.

Dated: December 9, 2014

Respectfully submitted,

Radoslav Bachev /S
Radoslav Bachev
Attorney for Debtor
GA Bar No. 857413
101 Marietta Street, NW
Suite 3600
Atlanta, GA 30303
(678) 668-7160

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	{	CHAPTER 13
	{	
Bruce Alexander Smith,	{	CASE NO. 12-56368-PWB
	{	
DEBTOR	{	

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Bruce Alexander Smith /s/
Bruce Alexander Smith

December 9, 2014

Penalty for making a false statement or concealing property:
Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. '152 and '3571.

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	{	CHAPTER 13
	{	
Bruce Alexander Smith,	{	CASE NO. 12-56368-PWB
	{	
DEBTOR	{	

CERTIFICATE OF SERVICE

I hereby certify that I am more than 18 years of age and that I have this day served a copy of the within Post Confirmation Plan Modification upon the following by depositing a copy of the same in U.S. Mail with sufficient postage affixed thereon to ensure delivery:

Bruce Alexander Smith
4065 Burns Rd.
Lilburn, GA 30047

[See attached Creditor Mailing Matrix]

I further certify that, by agreement of parties, Mary Ida Townson, Standing Chapter 13 Trustee, was served via ECF.

Dated: December 9, 2014

Radoslav Bachev /S
Radoslav Bachev
Attorney for Debtor
GA Bar No. 857413
101 Marietta Street, NW
Suite 3600
Atlanta, GA 30303
(678) 668-7160

Label Matrix for local noticing
113E-1
Case 12-56368-pwb
Northern District of Georgia
Atlanta
Tue Dec 9 11:40:05 EST 2014

Atlantic Credit and Finance, Inc.
Successor in Interest to BANK OF AMERICA
c/o Weltman, Weinberg & Reis, Co., LPA
323 W. Lakeside Avenue, Ste 200
Cleveland, OH 44113-1009

Bank Of America
Attn: Bankruptcy NC4-105-02-77
PO Box 26012
Greensboro, NC 27420-6012

City of Atlanta
68 Mitchell Street SW
Atlanta, GA 30303

Elizabeth C. Whealler
1655 Enterprise Way
Marietta, GA 30067-9209

Gary Favors
c/o John C. Yancey
Weiner, Yancey, Dempsey & Diggs, LLP
1718 Peachtree St, NW Ste 990
Atlanta, GA 30309-2408

Internal Revenue Service
401 W Peachtree St. NW
Stop 334-D
Atlanta, GA 30308

Brian K. Jordan
McCalla Raymer, LLC
1544 Old Alabama Road
Roswell, GA 30076-2102

Karen A. Maxcy
McCalla Raymer, LLC
1544 Old Alabama Road
Roswell, GA 30076-2102

Office of the Attorney General
40 Capitol Square, SW
Atlanta, GA 30334-9057

Advance Family Dental Care
449 Pleasant Hill Road
Suite 101
Lilburn, GA 30047-2770

Bac Home Loans Servicing
450 American St
Simi Valley, CA 93065-6285

Bart L. Graham
State of Ga Revenue Commission
1800 Century Center Blvd. NE
Atlanta, GA 30345

Client Services, Inc.
3451 Harry Truman Blvd
Saint Charles, MO 63301-9816

Excel Account Systems
4030 N Henry Blvd Ste 30
Stockbridge, GA 30281-7413

(p)GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA GA 30345-3202

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

M & T Bank
c/o McCalla Raymer, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

Julie D. Mehelic
Shapiro, Swertfeger & Hasty, LLP
Suite 100
2872 Woodcock Blvd.
Atlanta, GA 30341-4015

Michael Brian Pugh
Thompson O'Brien Kemp & Nasuti, P.C.
Suite 300
40 Technology Parkway South
Norcross, GA 30092-2924

Atlanta Postal Credit Union
Thompson O Brien Kemp & Nasuti, PC
Suite 300
40 Technology Pkwy S
Norcross GA 30092-2924

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Craig Z. Black
Robert J. Semrad & Associates, LLC
Suite 3600
101 Marietta Street, NW
Atlanta, GA 30303-2716

Department of Justice, Tax Div
Civil Trial Section, Southern
PO Box 14198; Ben Franklin Sta
Washington, DC 20044-4198

Fulton County Tax Commissioner
141 Pryor Street SW, Suite 1113
Atlanta, GA 30303-3566

Household Finance Corp II
1025 East-West Connector
Suite 407
Austell, GA 30106-8531

A. Michelle Hart Ippoliti
McCalla Raymer, et al
1544 Old Alabama Road
Roswell, GA 30076-2102

(p)M&T BANK
LEGAL DOCUMENT PROCESSING
1100 WHERLE DRIVE
WILLIAMSVILLE NY 14221-7748

Municipal Services Bureau
5912 Balcones Dr Ste 100
Austin, TX 78731-4310

Kimberly D. Rayborn
McCalla Raymer LLC
1544 Old Alabama Road
Roswell, GA 30076-2102

Bruce Alexander Smith
4065 Burns Road
Lilburn, GA 30047-2776

Special Assistant U.S. Attorney
401 W. Peachtree Street, NW
STOP 1000-D, Suite 600
Atlanta, GA 30308

Mary Ida Townson
Chapter 13 Trustee
Suite 2200
191 Peachtree Street, NE
Atlanta, GA 30303-1770

Maria A. Tsagaris
McCalla Raymer, et al
1544 Old Alabama Road
Roswell, GA 30076-2102

United States Attorney's Office
75 Spring Street, S.W.
Suite 600 U.S. Courthouse
Atlanta, GA 30303-3315

WELLS FARGO BANK, N.A.
C/O Shapiro & Swertfeger LLP
2872 Woodcock Blvd Suite 100
Atlanta, Ga 30341-4015

Wells Fargo Bank
1 Home Campus
MAC X2303-01A
Des Moines, IA 50328-0001

Wells Fargo Bank
Bankruptcy Department
3476 Stateview Blvd, x7801-014
Fort Mill, SC 29715-7203

Wells Fargo Bank
Po Box 31557
Billings, MT 59107-1557

Wells Fargo Bank NA
Attn: Bankruptcy Dept, MAC # D3347-014
3476 Stateview Blvd.
Fort Mill, SC 29715-7200

Wells Fargo Bank, N.A.
Home Equity Group
1 Home Campus, MAC X2303-01A
Des Moines IA 50328-0001

(p)WELLS FARGO BANK NA
WELLS FARGO HOME MORTGAGE AMERICAS SERVICING
ATTN BANKRUPTCY DEPT MAC X7801-014
3476 STATEVIEW BLVD
FORT MILL SC 29715-7203

David C. Whitridge
Thompson, O'Brien, Kemp & Nasuti, PC
Suite 300
40 Technology Parkway South
Norcross, GA 30092-2924

John C. Yancey
Weiner, Yancey, Dempsey & Diggs
1718 Peachtree St N.W.
South Tower
Suite 990
Atlanta, GA 30309-2495

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Bank Of America
4161 Piedmont Pkwy
Greensboro, NC 27410

Georgia Department of Revenue
Bankruptcy Section
PO Box 161108
Atlanta, GA 30321

M & T Bank
Bankruptcy Department
One Fountain Plaza
6th Floor
Buffalo, NY 14203

Wells Fargo Home Mortgage
8480 Stagecoach Cir
Frederick, MD 21701

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Atlanta Postal Credit Union

(u)Gary Favors

(u)M & T Bank, its successors and/or assigns

End of Label Matrix

Mailable recipients 43

Bypassed recipients 4

Total 47